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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 6677
INFO AMEMBASSY ASUNCION
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AMEMBASSY BRUSSELS
USMISSION GENEVA
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
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ROME FOR VATICAN OFFICE

EO 12065: GDS 9/5/86 (RUSER, CLAUS W.) OR-M

TAGS: SHUM, AR

SUBJECT: HUMAN RIGHTS SUMMARY: AUGUST 23-SEPTEMBER 5, 1980

REF: BUENOS AIRES 6781

1. [REDACTED] SUMMARY. DISAPPEARANCE AND REAPPEARANCE. BUENOS AIRES
HERALD EDITOR THREATENED AGAIN. PRISON CONDITIONS STILL CONTROVER-
SIAL. NEW EFFORTS TO CLEAR UP DISAPPEARANCES. LOCAL CENSORSHIP.
CONFUSING DEVELOPMENT IN LIMA DISAPPEARANCES. UNIONISTS JAILED.
END SUMMARY.

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2. [REDACTED] DISAPPEARANCES. AIXSA EDITH BONA, A MONTONERO LIVING
ILLEGITIMATELY IN ARGENTINA, WAS ARRESTED AND SEEMINGLY DISAPPEARED

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THE WEEK OF AUGUST 25, ONLY TO TURN UP AS AN ACKNOWLEDGED PRISONER OF THE GOVERNMENT SEPTEMBER 3. BONA'S COMMON LAW HUSBAND, MARTIN HERVACIO GUADEX, WHO WAS LIVING CLANDESTINELY IN THE COUNTRY, CANNOT BE LOCATED BY HIS FAMILY WHO BELIEVE HIM TO BE DISAPPEARED. ACCORDING TO THE FAMILY, HIS WIFE'S FIRST DEPOSITION BEFORE THE JUDGE, SEPTEMBER 4, INCLUDED THE STATEMENT THAT SHE AND HER HUSBAND WERE TAKEN AT THE SAME TIME. THE GOVERNMENT TELLS US PRIVATELY THAT HE IS A FUGITIVE.

3. [REDACTED] COMMENT: BONA'S SURFACING IN CUSTODY IS A VERY UNUSUAL DENOUEMENT FOR A MONTONERO -- BOTH HER FAMILY AND THE GOVERNMENT AGREE THAT SHE WAS, LIKE HER HUSBAND, A MONTONERO ACTIVIST WHO RETURNED CLANDESTINELY WITH HER SPOUSE FROM MEXICO. ACCORDING TO THE GOVERNMENT, AT THE TIME SHE WAS ARRESTED SHE WAS IN POSSESSION OF LIGHT ARMS, A GRENADE LAUNCHER AND GRENADES, AND AN OFFSET PRINTING PRESS. IT IS STILL TOO EARLY TO TELL WHETHER BONA'S APPEARANCE IN CUSTODY REPRESENTS A TURN AWAY FROM THE PRACTICE OF DISAPPEARANCE TOWARDS THE RULE OF LAW OR OBEYS SPECIAL CIRCUMSTANCES, PARTICULARLY SINCE THE INFORMATION ON GUADEX IS DISQUIETING. NEVERTHELESS, THE REAPPEARANCE OF BONA IS A POSITIVE DEVELOPMENT. WE SHALL SEEK TO ENCOURAGE THE GOA TO MAKE IT A PRECEDENT RATHER THAN AN EXCEPTION.

4. (U) BUENOS AIRES HERALD EDITOR THREATENED AGAIN: JAMES NEILSON, BRITISH CITIZEN EDITOR OF THE AMERICAN-OWNED BUENOS AIRES HERALD, RECEIVED TWO THREATENING PHONE CALLS SEPTEMBER 3 AND 4, IN WHAT APPEARS TO BE A NEW PRESSURE CAMPAIGN AGAINST HIM AND THE PAPER. THE FIRST CALLER STATED THAT NEILSON HAD NOT BEEN FORGOTTEN AND THE SECOND SAID THAT IF HE IS NOT OUT OF THE COUNTRY BY SEPTEMBER 10 "YOU WILL DIE," ACCORDING TO THE HERALD'S REPORT OF THESE THREATS.

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5. [REDACTED] COMMENT: THE THREATS TO NEILSON HAVE NOT CAUSED HIM TO CHANGE HIS EDITORIAL POLICY WHICH SEEMS PROFOUNDLY DISTURBING TO SOME GROUPS HERE. NEILSON'S COMMENTARIES ON SUCH SUBJECTS AS ANTI-SEMITISM AND THE POLITICAL PROCESS HERE ARE WRITTEN FROM THE POINT OF VIEW OF A SUPPORTIVE CRITIC OF THE GOVERNMENT. BUT TOLERANCE FOR SUCH CRITICISM -- ESPECIALLY BY A FOREIGNER -- DOES NOT FLOURISH IN SOME SECTORS HERE, INCLUDING THE FAR RIGHT WHERE IT SEEMS PROBABLE THESE THREATS ORIGINATE. IN OUR VIEW, TOO, NEILSON IS PROBABLY A TARGET OF OPPORTUNITY FOR RIGHTISTS WHO OPPOSE THE RELATIVELY MODERATE LINE IMPOSED BY PRESIDENT VIDELA AND EX-ARMY COMMANDER VIOLA, STILL THE FRONTRUNNER IN THIS MONTH'S SELECTION OF VIDELA'S SUCCESSOR. THE GOVERNMENT PROMISED TO PROTECT NEILSON FROM THOSE WHO MIGHT DO HIM HARM WHEN THESE THREATS

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STARTED LAST MONTH. THE EMBASSY WILL AGAIN APPROACH THE GOA TO SEEK RENEWALS OF THESE PROMISES.

6. (U) PRISON CONDITIONS PROTESTED: THE PERMANENT

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ASSEMBLY FOR HUMAN RIGHTS (PAHR) SENT A LETTER TO MINISTER OF JUSTICE ALBERTO RODRIGUEZ VARELA CLAIMING "INHUMAN CONDITIONS" UNDER WHICH PRISONERS JAILED FOR SUBVERSION AND TERRORISM ARE HELD. THE PAHR CALLED FOR AN INVESTIGATION OF THESE CONDITIONS, POINTING TO FIVE SUICIDES OF DETAINEES IN THE PAST YEAR. THE PAHR POINTED PARTICULARLY TO THE CONDITION OF PRISONERS WHO ALLEGEDLY ARE "PUNISHED PHYSICALLY AND MORALLY FOR INSIGNIFICANT ACTS BY BEING PLACED IN SPECIAL CELLS FOR SIMPLY NOT LOOKING AT THE GROUND WHEN A GUARD PASSES OR HAVING A BUTTON UNDONE." COINCIDENTALLY, ON SEPTEMBER 3 THE JUDGE INVESTIGATING THE SUICIDE OF ONE PRISONER, RAFAEL FRANCISCO BENEDETTI, JULY 19 IN RAWSON PRISON, RELEASED HIS FINDINGS. IN SUM, THE JUDGE STATED THAT BENEDETTI'S SUICIDE WAS THE RESULT OF PSYCHOLOGICAL DEPRESSION. SEVEN WEEKS BEFORE HE KILLED HIMSELF BENEDETTI HAD BEEN SENTENCED TO 23 YEARS IN PRISON FOR ROBBERY, AND MURDER AS A MEMBER OF A TERRORIST

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GROUP. BENEDETTI HAD ALREADY SERVED SIX YEARS UNDER PEN.

7. [REDACTED] COMMENT: WE ARE TOLD THAT PHYSICAL CONDITIONS AND ACCESS TO EXERCISE AND LITERATURE IN THE PRISONS HAVE IMPROVED SOMEWHAT FOLLOWING LAST MAY'S PRESIDENTIAL DECREE ON THE SUBJECT. ARBITRARY USE OF AUTHORITY APPARENTLY CONTINUES TO BE A PROBLEM, HOWEVER. BUT THIS DOES NOT APPEAR TO BE PART OF A GOVERNMENT POLICY, TENSIONS BETWEEN GUARDS AND PRISONERS WHOM THE GUARDS REGARD AS DANGEROUS SUBVERSIVES, VINDICTIVENESS BY PRISON SUPERVISORS AND INDIVIDUAL SADISTIC TENDENCIES MAY ALL PLAY A ROLE. THE GOVERNMENT SHOULD DO MORE TO CURB THESE FACTORS, BUT IT IS AN OPEN QUESTION WHETHER IT HAS THE MEANS, OR PERHAPS EVEN THE WILL, TO DO SO. THE GROWING REALIZATION ON THE PART OF SOME PRISONERS THAT FREEDOM FOR THEM IS A VERY LONG WAY AWAY UNDOUBTEDLY ALSO TAKES A TOLL ON THEIR MORALE.

8. (U) COURT ORDERS INVESTIGATION OF HIDALGO SOLA'S DISAPPEARANCE: THE SUPREME COURT, REVERSING A LOWER COURT, ORDERED AN INVESTIGATION INTO THE DISAPPEARANCE OF HECTOR HIDALGO SOLA. HIDALGO SOLA WAS THE GOA AMBASSADOR TO VENEZUELA AND WAS VISITING BUENOS AIRES WHEN, ON JULY 18, 1977 HE WAS SEIZED ON A MAIN STREET OF BUENOS AIRES BY A GROUP OF ARMED MEN. HE NEVER WAS SEEN AGAIN. AT THE TIME OF HIS DISAPPEARANCE IT WAS WIDELY BELIEVED THAT HE WAS TAKEN AS PART OF AN INTERNAL STRUGGLE WITHIN THE SECURITY FORCES AND THE CULPRITS WERE A GROUP WHICH WANTED TO SEND A MESSAGE TO PRESIDENT VIDELA. THE LOWER COURT HAD ACCEPTED SIMPLE STATEMENTS BY THE SECURITY SERVICES THAT THEY HAD NO INFORMATION ON HIDALGO SOLA'S WHEREABOUTS OR FATE. THE SUPREME COURT, REPEATING A DOCTRINE IT ESTABLISHED MOST CLEARLY IN THE MACHADO CASE (BUENOS AIRES 6398), STATED THAT UNDER HABEAS CORPUS PROCEDURES THE COURTS HAVE A RESPONSIBILITY TO SEEK TO CLARIFY THE CIRCUMSTANCES SURROUNDING SUCH A DISAPPEARANCE. IT IS NOW UP THE LOWER COURT TO INVESTIGATE WHAT HAPPENED.

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9. [REDACTED] COMMENT: THOUGH HIDALGO SOLA WAS SEIZED BEFORE MANY WITNESSES THERE IS LITTLE INFORMATION AVAILABLE AS TO HIS SUBSEQUENT FATE. IN SHORT, THE TRAIL FOR THE COURT TO FOLLOW IS NOT ONLY COLD IT IS HARDLY VISIBLE. SO, IT IS DIFFICULT TO KNOW WHAT

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THE NEXT STEPS WILL BE. ON THE OTHER HAND, A PETITION WAS PRESENTED TO A COURT TO LOOK INTO THE FATE OF 15 PERSONS WHO DISAPPEARED BETWEEN JULY 18 AND AUGUST 17, 1978. THE PETITION BY A GROUP OF LAWYERS AND RELATIVES OF THE DISAPPEARED PERSONS, STATES THAT THE MISSING INDIVIDUALS WERE SEEN IN CUSTODY BY EIGHT WITNESSES WHO HAVE PRESENTED TESTIMONY TO THAT EFFECT. THE WITNESSES, FORMER INMATES OF THE CAMP WHERE THE FIFTEEN WERE HELD, PRESENTLY RESIDE IN FRANCE AND THE PETITION ASKS THAT THEIR DEPOSITIONS BE TAKEN THERE.

10. (U) LOCAL CENSORSHIP: TWICE DURING THE WEEK OF SEPTEMBER 1 THE CITY OF BUENOS AIRES STOPPED THE

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DISTRIBUTION OF A MASS CIRCULATION WEEKLY MAGAZINE. THE MUNICIPALITY USED ITS POWER TO HOLD UP DISTRIBUTION FOR UP TO 48 HOURS TO EXAMINE THE CONTENT OF A PUBLICATION. ON SEPTEMBER 2 THE AUTHORITIES HALTED THE DISTRIBUTION OF "SIETE DIAS," WHICH HAD A SIMILAR PROBLEM IN JULY, ONLY TO ALLOW IT TO GO AHEAD ON SEPTEMBER 3. THEN ON SEPTEMBER 4 THEY REPEATED THE OPERATION AGAINST THE MAGAZINE "RADIOLANDIA," WHICH LIKE "SIETE DIAS" MIXES REPORTAGE WITH PICTURES,

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MANY OF THEM OF SHAPELY WOMEN IN BATHING SUITS. THE SAME COMPANY PUBLISHES BOTH MAGAZINES.

11. [REDACTED] THE MUNICIPALITY GAVE NO CONCRETE REASON FOR HOLDING UP "SIETE DIAS." REPORTEDLY IT HAD TO DO WITH THE MAGAZINE' COVER PHOTO -- WHICH WAS OF A YOUNG WOMAN WEARING A VERY FULL BIKINI. ARGENTINE MAGAZINES, WHILE SHYING AWAY FROM EVEN PARTIAL NUDITY, HAVE LONG PRINTED SEXIER SHOTS THAN THAT ONE. OTHERS SPECULATE
[REDACTED]
[REDACTED]

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THAT BUENOS AIRES MAYOR CACCIATORE IS STILL ANGRY AT A CRITICAL PIECE ON HIS ADMINISTRATION THAT "SIETE DIAS" RAN SEVERAL MONTHS AGO AND IS SEEKING REVENGE. THE POSSIBILITY THAT THE MAGAZINE'S POLITICAL COZENT IS ANNOYING THE LOCAL AUTHORITIES IS GENERALLY DISCOUNTED.

12. (U) LIMA DISAPPEARANCES. THE CASE OF THE 3 ARGENTINES WHO DISAPPEARED IN LIMA IN JUNE CONTINUED IN THE NWS IN BUENOS AIRES. IN ONE OF THE LATEST TWISTS THE LOCAL PRESS REPORTS THAT FINGERPRINTS FOUND IN THE MADRID APARTMENT WHERE THE BODY OF NAOMI ESTHER GIANETTI DE FOLFINO WAS DISCOVERED BELONGED TO JULIO CESAR RAMIREZ AND LUIS ESTEBAN ALMIRON, ACCORDING TO THE MADRID POLICE. RAMIREZ AND ALMIRON, THE PRESS REPORTS, WERE AMONG THE ARGENTINES DEPORTED FROM LIMA ALONG WITH MOLFINO.

13. [REDACTED] COMMENT: THE ARGENTINE PRESS HAD PLAYED THE ALLEGED DISCOVERY OF THE FINGERPRINTS AS CONCLUSIVE EVIDENCE THAT THE GOA WAS UNINVOLVED IN THE DISAPPEARANCE OF THE ARGENTINES FROM LIMA. IN FACT, HOWEVER, THE TALE IS SOMEWHAT MORE CONFUSING. JULIO CESAR RAMIREZ USED THE ALIAS OF LUIS ESTEBAN ALMIRON, ACCORDING TO PUBLIC DECLARATIONS BY THE PERUVIAN GOVERNMENT AND THE ARGENTINE ARMY. THEREFORE, IT IS HARD TO UNDERSTAND HOW TWO DISTINCT SETS OF FINGERPRINTS COULD BE ATTRIBUTED TO RAMIREZ/ALMIRON. THE PLOT THICKENS.

14. (U) UNIONISTS JAILED. THREE MEMBERS OF A LOCAL UNION WERE JAILED IN SAN LUIS PROVINCE AUGUST 29. THEY WERE ACCUSED OF VIOLATING A NATIONAL SECURITY LAW. ACCORDING TO THEIR LAWYER, THE CHARGES ORIGINATED IN THE DETAINEES' ORGANIZATION OF A CONFEDERATION OF LABOR UNIONS AT THE PROVINCIAL LEVEL.
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